

REMARKS

Claims 1-3 and 5-26 are pending. Claim 4 has been cancelled herein without prejudice or disclaimer. Claims 1, 5, 20 and 21 are amended herein. The claims have been amended to include the feature from original claim 4.

Applicants' Response to the Claim Rejections under 35 U.S.C. §103(a)

Claims 1-6, 8-18, 20 and 21 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Kadono (US 6,772,038) in view of Merat et al. (US 5,465,221). In response thereto, applicants have amended parent claims 1, 20 and 21 to recite the elements from previously presented claim 4. Applicants respectfully traverse the rejection of claim 4 on the basis that the combination of Merat and Kadono does not teach the element of original claim 4 directed to “a monitoring unit obtaining information of the working machine when the control unit controls based on working conditions.” Specifically, this feature is not recited by Kadono as the Office Action maintains.

The Office cites to column 8, lines 51-67 of Kadono as disclosing a monitoring unit. However, this section is addressing a machining simulation which is conducted in order to determine machining operation information data. See also column 8, lines 41-50. This information is then used by an operator to “promptly and correctly understand the tools required for the respective machining processes, machining operations to be performed in the respective machining processes and the outline of the whole machining process.” See column 9, lines 28-32.

Contrary, the monitoring unit as set forth in claim 4 of the present invention is a unit which monitors the working in real time. The monitoring unit 10 receives information detected by a sensor unit 22a and monitors the working state in the working machine 2. See page 19, lines 4-7. As set forth on page 37, lines 9-21 of the specification, "the auto NC data creating unit 19 makes the working machine 2 start the working...and simultaneously measures, in the monitoring unit 10, working states (a variety of physical states) of the working machine 2 in real time." As such, Kadono does not teach a monitoring unit which obtains information of the working machine at the time the control unit controls. Wherefore, the teachings of Kadono do not teach the limitation as recited in amended claims 1, 20 and 21.

In view of the aforementioned amendments and accompanying remarks, Applicants submit that the claims, as herein amended, are in condition for allowance. Applicants request such action at an early date.

If the Examiner believes that this application is not now in condition for allowance, the Examiner is requested to contact Applicants' undersigned attorney to arrange for an interview to expedite the disposition of this case.

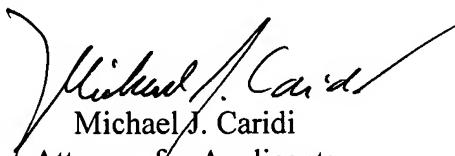
Application No.: 10/766,043
Art Unit: 2121

Amendment
Attorney Docket No.: 042058

If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP


Michael J. Caridi
Attorney for Applicants
Registration No. 56,171
Telephone: (202) 822-1100
Facsimile: (202) 822-1111

MJC/ttw